



1645

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: DeWolf et al.

Serial No: 10/089,019

Filed: March 25, 2002

For: *Methods for Making and Using Fatty Acid  
Synthesis Pathway Reagents*

Atty Docket No.: IPT062.01

Art Unit: 1645

Examiner: Not yet known

CERTIFICATE OF FIRST CLASS MAILING

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Shirine Darvish

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR § 1.97 (b)(3)**

Sir:

Submitted herewith on Form PTO-1449 is a list of publications known to Applicants and/or their Attorney/Agent in compliance with the requirement of 37 C.F.R. §§ 1.56 and 1.97(c). A copy of each publicly available document is also being submitted herewith. At least seven documents cited on accompanying Form 1449 contain sequence listings and/or large tables that are more than 50 pages in length. Applicants have submitted paper copies of these documents that do not include these large tables and/or listings. Following 37 C.F.R. 1.52 (e), Applicants have further submitted herewith, on compact disk, the entirety of documents EP 0786519 (3,271 pages), WO 97/30070 (990 pages), WO 01/49721 (380 pages), WO 98/18931 (1,409 pages), WO 98/06734 (640 pages), WO 98/26072 (333 pages) and WO 98/24475 (339 pages). If the Examiner wishes to have full paper copies of these documents, the Examiner should contact the Attorney or Agent of record.

Applicants have cited for the Examiner's consideration certain issued U.S. patents and co-pending U.S. patent applications that are owned at least in part by the assignee of this application,

that describe subject matter related to the present invention. The co-pending applications are listed herewith in accordance with M.P.E.P. 609 III.D which states: "Applicants may wish to list U. S. patent application numbers on other than Form PTO-1449 or PTO/SB/08A and 08B format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

No copies of the co-pending applications have been provided. If the Examiner wishes to have copies of the co-pending applications, Examiner should contact the Attorney or Agent of record. Applicants respectfully request that the Examiner consider these listed documents and indicate that each was considered by making appropriate notations on this Information Disclosure Statement.

Examiner Initials	Our Docket No.	S.N.	Title	Filing Date	Status	Document Enclosed
	IPT-060.01	08/790,043	Polynucleotide Encoding The Enoyl-Acyl Carrier Protein Reductase of Staphylococcus Aureus, Fab I (as Amended)	28 January 1997	pending	no
	IPT-060.02	09/292,411	FabI	15 April 1999	pending	no
	IPT-060.03	09/292,412	Polynucleotides Encoding Staphylococcal Fab I Enoyl-Acp Reductase (as Amended)	15 April 1999 13 August 2002	Issued: U.S. Pat. 6,432,670	yes
	IPT-061.01	10/009,219	Methods of Using Fab I and Compounds Modulating Fab I Activity	4 May 2000	pending	no
	IPT-063.01	09/968,129	Methods of Screening for Fab K Antagonists and Agonists	1 October 2001	pending	no
	IPT-064.01	10/407,028	Methods of Agonizing and Antagonizing Fab K	4 April 2003	pending	no
	IPT-065.02	10/304,617	Fab K Variant	26 November 2002	pending	no
	IPT-066.02	10/304,422	Fab K Variant	26 November 2002	pending	no
Date Considered:				Examiner's Name:		

Applicants have listed dates of publication on the attached Form PTO-1449 for the cited documents based on information presently available to the undersigned. However, the listed publication dates should not be construed that the information in the cited documents was actually published or otherwise publicly available on the date indicated.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form PTO-1449.

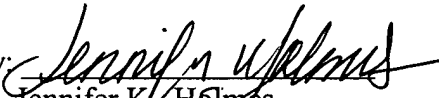
This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that each or all of the listed documents are material or constitute "prior art." Further, if the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Moreover, the Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Although we believe that we have provided for the fee due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our **Deposit Order Account No. 06-1448**.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1000.

Respectfully submitted,

FOLEY HOAG LLP

By:   
Jennifer K. Holmes  
Reg. No. 46,778  
Agent for Applicants

Dated: January 22, 2004  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 1 of 5

**Complete if Known**

Application Number	10/089,019
Filing Date	March 25, 2002
First Named Inventor	Walter E. DeWolf et al.
Art Unit	1645
Examiner Name	Not yet known
Attorney Docket Number	IPT-062.01

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	AA	US- 5,965,402	10.12.99	Black et al.	
	AB	US- 6,228,619	05.08.01	Foster et al.	
	AC	US- 6,274,376	08.14.01	Black et al.	
	AD	US- 6,380,370	04.30.02	Doucette-Stamm et al.	
	AE	US- 6,403,337	06.11.02	Bailey et al.	
	AF	US- 6,432,670	08.13.02	Payne et al.	
	AG	US- US 2002/0076766	06.20.02	Black et al.	
	AH	US- 6,593,114	07.15.03	Kunsch et al.	
	AI	US- 6,613,553	09.02.03	Rock et al.	
		US-			
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**FOREIGN PATENT DOCUMENTS**

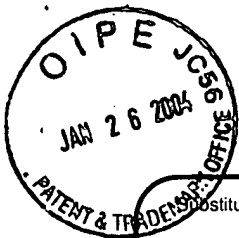
Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	AJ	DE 26 20 777	12.01.77			
	AK	JP 10-174590	06.30.98			
	AL	EP 0 826 774 A2	04.03.98			
	AM	EP 0 78 6519 A2	07.30.97			
	AN	WO 97/30070	08.21.97			
	AO	WO 97/30149	08.21.97			
	AP	WO 00/70017	11.23.00			
	AQ	WO 01/30988	05.03.01			
	AR	WO 98/24475	06.11.98			
	AS	WO 02/31128	04.18.02			
	AT	WO 01/49721	07.12.01			
	AU	WO 01/70995	09.27.01			
	AV	WO 98/18931	05.07.98			
	AW	WO 98/06734	02.19.98			
	AX	WO 98/26072	06.18.98			

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Sheet 2 of 5

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Attorney Docket Number	IPT-062.01

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	AY	BHARGAVA ET AL., "Triclosan: Applications and Safety," American Journal of Infection Control, 24:209-218 (1996)	
	AZ	ROCK ET AL., "Lipid Metabolism in Prokaryotes," Biochemistry of Lipids, Lipoproteins and Membranes, Elsevier Publishing Company Amsterdam, 35-74 (1996)	
	BA	ROCK ET AL., "Escherichia coli as a model for the regulation of dissociable (type II) fatty acid biosynthesis," Biochimica et Biophysica Acta, 1302:1-16 (1996)	
	BB	HEATH ET AL., "Mechanism of Triclosan Inhibition of Bacterial Fatty Acid Synthesis," The Journal of Biological Chemistry, 274(16):11110-11114 (1999)	
	BC	GADDA ET AL., "Substrate Specificity of a Nitroalkane-Oxidizing Enzyme," Archives of Biochemistry and Biophysics, 363(2):309-313 (1999)	
	BD	McMURRAY ET AL., "Triclosan targets lipid synthesis," Nature, 394:531-532 (1998)	
	BE	ROSS ET AL., "Molecular Cloning and Analysis of the Gene Encoding the NADH Oxidase from Streptococcus faecalis 10C1," Journal of Molecular Biology, 227:658-671 (1992)	
	BF	BRADFORD, MARION, "A Rapid and Sensitive Method for the Quantitation of Microgram Quantities of Protein Utilizing the Principle of Protein-Dye Binding," Analytical Biochemistry, 72:248-254 (1976)	
	BG	TCHORZEWSKI ET AL., "Unique primary structure of 2-nitropropane dioxygenase from Hansenula mrakii," European Journal of Biochemistry, 226:841-846 (1994)	
	BH	KOMUNIECKI ET AL., "Electron-transfer flavoprotein from anaerobic Ascaris suum mitochondria and its role in NADH-dependent 2-methyl branched-chain enoyl-CoA reduction," Biochimica et Biophysica Acta, 975:127-131 (1989)	
	BI	BAKER ET AL., "Enoyl-acyl-carrier-protein reductase and Mycobacterium tuberculosis InhA do not conserve the Tyr-Xaa-Xaa-Xaa-Lys motif in mammalian 11 $\beta$ - and 17 $\beta$ -hydroxysteroid dehydrogenases and Drosophila alcohol dehydrogenase," Biochemical Journal, 309:1029-1030 (1995)	
	BJ	GIBSON ET AL., "Contribution of NADH Oxidase to Aerobic Metabolism of Streptococcus pyogenes," Journal of Bacteriology, 182(2):448-455 (2000)	
	BK	BOYNTON ET AL., "Cloning, Sequencing, and Expression of Clustered Genes Encoding $\beta$ -Hydroxybutyryl-Coenzyme A (CoA) Dehydrogenase, Crotonase, and Butyryl-CoA Dehydrogenase from Clostridium acetobutylicum ATCC 824," Journal of Bacteriology, 178(11):3015-3024 (1996)	

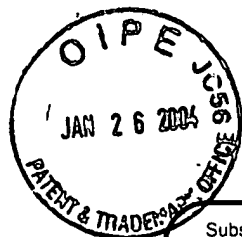
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Sheet 3

of

5

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	BL ✓	HEASLEY ET AL., "Kinetic Mechanism and Substrate Specificity of Nitroalkane Oxidase," Biochemical and Biophysical Research Communication, 225:6-10 (1996)	
	BM ✓	HAVARSTEIN ET AL., "An unmodified heptadecapeptide pheromone induces competence for genetic transformation in Streptococcus pneumoniae," Proceedings of the National Academy of Science USA, 92:11140-11144 (1995)	
	BN ✓	DEIZ-GONZALEZ ET AL., "NAD-Independent Lactate and Butyryl-CoA Dehydrogenases of Clostridium acetobutylicum P262," Current Microbiology, 34:162-166 (1997)	
	BO ✓	SLATER-RADOSTI ET AL., "Biochemical and genetic characterization of the action of triclosan on Staphylococcus aureus," Journal of antimicrobial Chemotherapy, 48:1-6 (2001)	
	BP ✓	HEATH ET AL., "A triclosan-resistant bacterial enzyme," Nature, 406:145-146 (2000)	
	BQ ✓	HEATH ET AL., "Broad Spectrum Antimicrobial Biocides Target the FabI Component of Fatty Acid Synthesis," The Journal of Biological Chemistry, 273(46):30316-30320 (1998)	
	BR ✓	SAITO ET AL., "Genetic Evidence that Phosphatidylserine Synthase II Catalyzes the Conversion of Phosphatidylethanolamine to Phosphatidylserine in Chinese Hamster Ovary Cells," The Journal of Biological Chemistry, 273(27):17199-17205 (1998)	
	BS ✓	BERGLER ET AL., "Protein EnvM is the NADH-dependent Enoyl-ACP Reductase (FabI) of Escherichia coli," The Journal of Biological Chemistry, 269(8):5493-5496 (1994)	
	BT ✓	DURAN ET AL., "Characterization of cDNA Clones for the 2-Methyl Branched-chain Enoyl-CoA Reductase," The Journal of Biological Chemistry, 268(30):22391-22396 (1993)	
	BU ✓	VOLKMAN ET AL., "Biosynthesis of D-Alanyl-Lipoteichoic Acid: The Tertiary Structure of apo-D-Alanyl Carrier Protein," Biochemistry, 40:7964-7972 (2001)	
	BV ✓	PARKH ET AL., "Roles of Tyrosine 158 and Lysine 165 in the Catalytic Mechanism of InhA, the Enoyl-ACP Reductase from Mycobacterium tuberculosis," Biochemistry, 38:13623-13634 (1999)	
	BW ✓	ROUJEINIKOVA ET AL., "Crystallographic Analysis of Triclosan Bound to Enoyl Reductase," Journal of Molecular Biology, 294:527-535 (1999)	
	BX ✓	HEATH ET AL., "Inhibition of the Staphylococcus aureus NADPH-dependent Enoyl-Acyl Carrier Protein Reductase by Triclosan and Hexachlorophene," The Journal of Biological Chemistry, 275(7):4654-4659 (2000)	

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SignatureDate  
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Sheet 4 of 5

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	BY	HEATH ET AL., "Inhibition of $\beta$ -Ketoacyl-Acyl Carrier Protein Synthase III (FabH) by Acyl-Acyl Carrier Protein in Escherichia coli," The Journal of Biological Chemistry, 271(18):10996-11000 (1996)	
	BZ	HEATH ET AL., "Roles of the FabA and FabZ $\beta$ -Hydroxyacyl-Acyl Carrier Protein Dehydratases in Escherichia coli Fatty Acid Biosynthesis," The Journal of Biological Chemistry, 271(44):27795-27801 (1996)	
	CA	HEATH ET AL., "The Enoyl-[acyl-carrier-protein] Reductases FabI and FabL from Bacillus subtilis," The Journal of Biological Chemistry, 275(51):40128-40133 (2000)	
	CB	HEATH ET AL., "Regulation of Fatty Acid Elongation and Initiation by Acyl-Acyl Carrier Protein in Escherichia coli," The Journal of Biological Chemistry, 271(4):1833-1836 (1996)	
	CC	BUNZOW ET AL., "Cloning and expression of a rat D <sub>2</sub> dopamine receptor cDNA," Nature, 336:783-787 (1988)	
	CD	WHITFIELD ET AL., "Purification and Properties of Electron-transferring Flavoprotein and Peptostreptococcus elsdenii," The Journal of Biological Chemistry, 249(9):2801-2810 (1974)	
	CE	BALDWIN ET AL., "Electron transport in Peptostreptococcus elsdenii," Biochimica et Biophysica Acta, 92:421-432 (1964)	
	CF	EGAN ET AL., "Conditional mutations affecting the cell envelope of Escherichia coli K-12," Genetic Research, 21:139-152 (1973)	
	CG	BERGLER ET AL., "Sequences of the envM gene and of two mutated alleles in Escherichia coli", Journal of General Microbiology (1992), 138, pp. 2093-2100.	
	CH	BROADWATER ET AL., "Spinach Holo-Acyl Carrier Protein: Overproduction and Phosphopantetheinylation in Escherichia coli BL21(DE3), in Vitro Acylation, and Enzymatic Desaturation of Histidine-Tagged Isoform I1", Protein Expression and Purification 15, 314-326 (1999).	
	CI	EDWARDS, ET AL., "Cloning of the fabF gene in an expression vector and in vitro characterization of recombinant fabF and fabB encoded enzymes from Escherichia coli", FEBS Letters, 402:62-66 (1997).	
	CJ	GRASSBERGER ET AL., "Preparation and Antibacterial Activities of New 1,2,3-Diazaborine Derivatives and Analogues", Journal of Medicinal Chemistry, 1984. Vol. 24, No. 8, pp. 947-953.	
	CK	GRONOWITZ ET AL., "Antibacterial borazaro derivatives", Acta Pharm. Suecica 8, pp. 377-390 (1971).	

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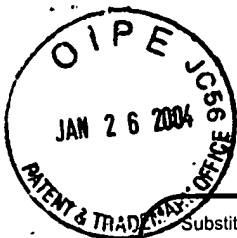
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	CL	HEATH ET AL., "Enoyl-Acyl Carrier Protein Reductase (fabI) Plays a Determinant Role in Completing Cycles of Fatty Acid Elongation in Escherichia coli," The Journal of Biological Chemistry, 270(44):26538-26542 (1995).	
	CM	LAM ET AL., "Effect of diazaborine derivative (Sa 84.474) on the virulence of Escherichia coli", Journal of Antimicrobial Chemotherapy (1987) 20, pp. 37-45.	
	CN	LAMBALOT, ET AL., "Cloning, Over production, and Characterization of the Escherichia coli Holo-acyl Carrier Protein Synthase*", The Journal of Biological Chemistry, Vol. 270, No. 42, pp. 24658-24661 (1995).	
	CO	NGO ET AL., "Computational complexity, protein structure prediction, and the Levinthal paradox", Chapter 14 in 'The Protein Folding Problem and Tertiary Structure Prediction', Merz et al. (eds.), Birkhauser: Boston, MA, pp. 433 & 492-495.	
	CP	ROCK ET AL., "Acyl Carrier Protein from Escherichia coli", Methods in Enzymology, 71:341-351 (1981).	
	CQ	TURNOWSKY ET AL., "envM genes of Salmonella typhimurium and Escherichia coli", Journal of Bacteriology, Dec. 1989 pp. 6555-6565.	
	CR	ANON., "Triclosan-resistant Enzyme," (17 Jul 2000) Chemical & Engineering News, 78(29):39	
	CS	REVILL ET AL., "Purification of a malonyltransferase from Streptomyces coelicolor A3(2) and analysis of its genetic information," Journal of Bacteriology, July 1995, 177(14):3947-3952, see abstract	
	CT	COHEN, J.S. et al. Oligodeoxynucleotides as antisense inhibitors of gene expression. Progress in Nucleic Acid Research and Molecular Biology. June 1992, Vol. 42, pages 79-126, see entire document	
	CU	MARRAKCHI ET AL., "Characterization of Streptococcus pneumoniae enoyl-(acyl-carrier protein) reductase (FabK), Biochem. J., 370:1055-1062 (2003)	

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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